

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

THOMAS BURNS,)
)
)
Plaintiff)
)
v.) CAUSE NO.: 1:21-cv-3077
)
)
FAMILY DOLLAR STORES OF)
INDIANA, LLC d/b/a FAMILY DOLLAR)
and DANIKO GROUP, LLC)
)
Defendants.)

NOTICE OF REMOVAL OF CIVIL ACTION

To the Honorable Judges of the United States District Court for the Southern District of Indiana, Indianapolis Division:

Removing party, by the undersigned attorneys, respectfully show this Court:

1. The removing party is the Defendant Family Dollar Stores of Indiana, LLC (“Family Dollar”), in the above-entitled action.
2. On November 15, 2021, the above-entitled action was commenced against the removing party and Co-Defendant Daniko Group, LLC in the Marion County Superior Court, State of Indiana under Cause No. 49D02-2111-CT-038230; captioned *Thomas Burns v. Family Dollar Stores of Indiana, LLC d/b/a Family Dollar and Daniko Group, LLC* and is now pending.
3. Plaintiff Thomas Burns has filed suit as a result of personal injuries he allegedly sustained after he was injured due to an alleged hazardous and dangerous curb/entrance to the premises at Family Dollar’s retail business located at 715 E. 38th Street in Indianapolis, Indiana. The alleged injuries occurred on May 31, 2021.

4. As a result of the alleged incident, Plaintiff complains of paralysis from the waist down and is seeking damages for past and future medical expenses and pain and suffering.

5. On November 22, 2021, Family Dollar received a Summons and Complaint in the above entitled action, via certified mail.

6. A Motion for Enlargement of Time, up to and including January 14, 2022 for Family Dollar to answer or otherwise respond to Plaintiff's Complaint was granted on December 9, 2021.

7. Family Dollar subsequently filed its Answer to Plaintiff's Complaint on December 20, 2021.

8. No further proceedings in this matter have been held in the Marion County Superior Court.

9. Plaintiff is alleged to be a citizen of the State of Indiana.

10. Family Dollar is a North Carolina limited liability company with its principal place of business located at 500 Volvo Parkway, Chesapeake, Virginia 23320. Family Dollar is a citizen of the States of North Carolina and Virginia. The sole member of Family's limited liability company is Family Dollar Stores, Inc. Family Dollar Stores, Inc. is a Delaware corporation with its principal place of business located at 500 Volvo Parkway, Chesapeake, VA 23320. Family Dollar Stores, Inc. is a citizen of the States of Delaware and Virginia.

11. To the best of Family Dollar's knowledge, Co-Defendant Daniko Group, LLC is a Texas limited liability company with its principal place of business located at 6526 Haskell St., Houston, TX 77007. Daniko Group is a citizen of the State of Texas. Hossein Nikooi is the President, Director, Agent and presumed sole member of Daniko Group, LLC. Hossein Nikooi's

address is 6526 Haskell St., Houston, TX 77007. Daniko Group, LLC is a citizen of the State of Texas.

12. By virtue of diversity jurisdiction, Family Dollar is entitled to removal.
13. Plaintiff's claimed damages exceed \$75,000.
14. This Court has original diversity jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(a).
15. A copy of the entire State Court Record for Marion County Superior Court, State of Indiana under Cause No. 49D02-2111-CT-038230 is attached as Exhibit A.
16. A copy of the Complaint served on the removing party in the above-entitled action is attached hereto as Exhibit B.
17. A copy of the Civil Cover Sheet is attached as Exhibit C.
18. This Notice is filed with this Court within 30 days of service of the Summons and Complaint on Family Dollar, as the removing party.

WHEREFORE, Defendant, Family Dollar Stores of Indiana, LLC, by counsel, respectfully requests that this action be removed from the Marion County Superior Court, State of Indiana, Cause No. 49D02-2111-CT-038230 to the United States District Court for the Southern District of Indiana, Indianapolis Division, for trial and determination.

DREWRY SIMMONS VORNEHM, LLP

/s/ Melanie A. Kalmbach

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served with the Clerk of the Court on this 21st day of December, 2021 using the CM/ECF system which sent notification of this filing or by placing it in the U.S. Mail, postage pre-paid, to the following:

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